

REMARKS

Claims 1, 2, 4-6, 9, 10, 14, 16 and 22-25 are currently pending in the application. Claim 19-21 are withdrawn. Claims 1, 9 and 10 have been amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

§112, Second Paragraph

The Office Action rejects claims 1, 2, 4-6, 9, 10, 14, 16 and 22-25 under 35 U.S.C. §112, second paragraph as being indefinite. This rejection is respectfully traversed.

Independent claims 1 and 10 and dependent claim 9 have been amended as shown above. The claims as amended to provide a proper antecedent basis for the terms objected to by the Examiner. Furthermore, claim 1 and 10 as amended recite an access panel which is for use with a duct. It is submitted that the claims as amended are definite and comply with the provisions of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

Prior Art Rejection

The Office Action rejects claims 1, 2, 4-6, 9, 10, 14, 16 and 22-25 under 35 U.S.C. §103(a) as being unpatentable over Dugger (US 4,913,127) in view of Leon (French Patent No. 2 719 347). This rejection is respectfully traversed.

Dugger teaches a duct system in which an access door 10 is positioned on only one of the sidewalls of the duct. See Figs. 1 and 2 and column 2, lines 26-30 of Dugger.

In contrast, the embodiments of the invention according to independent claims 1 and 10 provide a cover member that is formed to the shape of the outer surface of the duct and formed to span more than one of said sidewalls. Thus, Dugger fails to teach or suggest, *inter alia*, a cover member being formed to the shape of the outer surface of the duct...said cover member being formed to span more than one of said sidewalls, as recited in independent claims 1 and 10.

Regarding dependent claim 9, Dugger also fails to teach or suggest, *inter alia*, wherein the duct comprises a single curved sidewall and said single curved sidewall defines a circular or elliptical cross-sectional shape for the duct, and said cover member is formed to span a section of said curved sidewall. Dugger does not teach or suggest a duct having a curved sidewall that forms a circular elliptical cross sectional shape. Further, the access door 10 of Dugger spans a flat surface on the duct in Dugger. The access door does not span a section of a curved sidewall, as in the embodiments defined by dependent claim 9.

Further, Leon fails to make up for the deficiencies of Dugger. Leon teaches a spring clip having a threaded section. Leon does not teach or suggest the use of a cover member in conjunction with a duct.

Further, one of ordinary skill in the art would not be motivated to combine the teachings of Leon with Dugger's teachings. Dugger teaches fastening the access panel using bolts and butterfly nuts. Dugger neither teaches or suggests using any type of spring clip to fasten the access door to the duct. Further, Leon fails to teach or suggest using its spring clip device to engage an access door to a duct. Therefore, one of ordinary skill in the art would not be motivated to combine Leon's teachings with Dugger, let alone to achieve applicant's claimed invention, as recited in independent claims 1 and 10.

In view of the above, applicant respectfully submits that the combination of Dugger and Leon fails to teach each and every feature of the claims as required. Further, one of ordinary skill in the art would not be motivated to combine the teachings of Leon and Dugger. Therefore, independent claims 1 and 10 are distinguishable over the cited art. Dependent claims 2, 4-6, 9, 14, 16 and 22-25 are also distinguishable over the cited art for the reasons set forth above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For at these reasons, it is respectfully submitted that claims 1, 2, 4-6, 9, 10, 14, 16 and 22-25 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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MKM/CJB:cb
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Respectfully submitted,

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